

## TANGIPAHOA PARISH SCHOOL BOARD PROCEEDINGS

OCTOBER 8, 2009

The Tangipahoa Parish School Board met in regular session on Thursday, October 8, 2009 at 9:00 a.m. in the Central Office Board room, 59656 Puleston Road, Amite, Louisiana, with President Danny Ridgel presiding.

MEMBERS PRESENTS: Ann Smith, Robert Potts, Leonard Genco, Al Link, Danny Ridgel, Sonya Traylor, Eric Dangerfield, Sandra Bailey-Simmons and Rose Dominguez

MEMBERS ABSENT: None

President Ridgel led the Pledge of Allegiance.

President Ridgel stated that the Board would now conduct a tenure hearing in accordance with L.R.S. 17:443 for Mr. Barry Portier, teacher.

President Ridgel stated that Pamela Dill, attorney, would represent Superintendent Mark Kolwe in the hearing and Chris Moody, attorney, would represent the Tangipahoa Parish School Board in the hearing.

President Ridgel stated that Mr. Larry Samuel, attorney, would represent Mr. Barry Portier in the hearing and Ms. Mona Waldrop, representative of Louisiana Federation of Teacher, would assist.

Ms. Cherie White, Certified Court Reporter, recorded the proceedings and testimony given.

President Ridgel indicated that Mr. Portier had the option of proceeding in an open or closed session. Mr. Portier chose a closed session.

It was moved by Mr. Link, seconded by Mr. Genco, to enter into Executive Session to discuss the tenure hearing pursuant to the authority of L.R.S. 42:6.1(A)(1) and (8) and L.R.S. 17:441. Hearing no objection, the motion was adopted.

The Board entered Executive Session.

The Board returned to Open Session.

The Board recessed until Monday, October 12, 2009, 9:00 a.m. (4:00 p.m.)

The Board reconvened on Monday, October 12, 2009, 9:00 a.m. with all members present except Ms. Sandra Bailey Simmons.

The Board recessed until Friday, October 16, 2009, 8:00 a.m. (3:38 p.m.)

The Board reconvened on Friday, October 16, 2009, 8:07 a.m. with all members present except Ms. Sandra Bailey-Simmons.

Mr. Moody defined the term "willful neglect of duty" as defined by Blacks Law Dictionary and Coleman v. Orleans Parish School Board, LA.App. 4 Cir.1997.

Mr. Samuels requested to note his objection to the reading definition of willful negligence not being complete under the Coleman case.

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 1. The motion failed as evidenced by the following vote:

YEAS (1): Robert Potts

NAYS (7): Rose Dominguez, Sonya Traylor, Eric Dangerfield, Ann Smith, Danny Ridgel, Al Link and Leonard Genco

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 2. The motion failed as evidenced by the following vote:

YEAS (2): Robert Potts and Danny Ridgel

NAYS (6): Rose Dominguez, Sonya Traylor, Eric Dangerfield, Ann Smith, Al Link and Leonard Genco

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 3. The motion passed as evidenced by the following vote:

YEAS (6): Rose Dominguez, Robert Potts, Eric Dangerfield, Ann Smith, Danny Ridgel and Al Link

NAYS (2): Sonya Traylor and Leonard Genco

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 4. The motion passed as evidenced by the following vote:

YEAS (5): Rose Dominguez, Ann Smith, Danny Ridgel, Al Link and Leonard Genco

NAYS (3): Sonya Traylor, Eric Dangerfield, and Robert Potts

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 6. The motion passed as evidenced by the following vote:

YEAS (8): Rose Dominguez, Sonya Traylor, Eric Dangerfield, Ann Smith, Danny Ridgel, Robert Potts, Al Link and Leonard Genco

NAYS (0): None

A roll call vote was taken as to whether the Board found the Superintendent demonstrated by a preponderance of the evidence that the employee is guilty of the facts stated in Charge 9. The motion passed as evidenced by the following vote:

YEAS (7): Rose Dominguez, Eric Dangerfield, Ann Smith, Danny Ridgel, Robert Potts, Al Link and Leonard Genco

NAYS (1): Sonya Traylor

President Ridgel summarized the charges against Mr. Portier as demonstrated by the Superintendent as follows:

Charges 1 and 2:	Not guilty
Charges 3, 4, 6 and 9	Guilty

A roll call vote was taken as to whether the facts, as proven, constitute willful neglect of duty on the part of Mr. Portier under Charge 3. The motion passed as evidenced by the following vote:

YEAS (5): Rose Dominguez, Ann Smith, Danny Ridgel, Robert Potts and Al Link

NAYS (3): Sonya Traylor, Eric Dangerfield and Leonard Genco

A roll call vote was taken as to whether the facts, as proven, constitute willful neglect of duty on the part of Mr. Portier under Charge 4. The motion failed as evidenced by the following vote:

YEAS (4): Rose Dominguez, Ann Smith, Danny Ridgel and Al Link  
 NAYS (4): Sonya Traylor, Eric Dangerfield, Robert Potts and Leonard Genco

A roll call vote was taken as to whether the facts, as proven, constitute willful neglect of duty on the part of Mr. Portier under Charge 6. The motion passed as evidenced by the following vote:

YEAS (6): Rose Dominguez, Eric Dangerfield, Ann Smith, Danny Ridgel, Al Link and Leonard Genco  
 NAYS (2): Sonya Traylor and Robert Potts

A roll call vote was taken as to whether the facts, as proven, constitute willful neglect of duty on the part of Mr. Portier under Charge 9. The motion passed as evidenced by the following vote:

YEAS (5): Rose Dominguez, Ann Smith, Danny Ridgel, Al Link and Leonard Genco  
 NAYS (3): Sonya Traylor, Eric Dangerfield and Robert Potts

President Ridgel summarized the charges against Mr. Portier relative to willful neglect of duty as follows:

Charges 3, 6 and 9:	Guilty
Charge 4	Not guilty

Mr. Moody gave a definition of incompetency.

A roll call vote was taken as to whether the facts, as proven in Charge 4, constitute incompetence on the part of Mr. Portier. The motion passed as evidenced by the following vote:

YEAS (5): Rose Dominguez, Danny Ridgel, Robert Potts, Al Link and Leonard Genco  
 NAYS (3): Sonya Traylor, Eric Dangerfield and Ann Smith

A roll call vote was taken as to whether the facts, as proven in Charge 6, constitute incompetence on the part of Mr. Portier. The motion passed as evidenced by the following vote:

YEAS (6): Rose Dominguez, Sonya Traylor, Eric Dangerfield, Danny Ridgel, Al Link and Leonard Genco  
 NAYS (2): Ann Smith and Robert Potts

President Ridgel stated that since Mr. Portier was found guilty of the charges, it was now necessary to determine the appropriate disciplinary action. He stated that court decisions in Louisiana have concluded that School Board members should be advised that termination is not the only disciplinary action which can be taken against an employee. Other types of disciplinary action that can be taken against an employee include letters of reprimand, placing an employee on probation, stripping an employee of tenure, suspending an employee with or without pay, and/or other types of disciplinary action short of termination, but termination is an option available to the Board.

It was moved by Mr. Genco, seconded by Mr. Potts, to employ Mr. Portier at the Florida Parishes Juvenile Detention Center. A roll call vote was taken and failed as evidenced by the following vote:

YEAS (4): Sonya Traylor, Eric Dangerfield, Robert Potts and Leonard Genco  
 NAYS (4): Rose Dominguez, Ann Smith, Danny Ridgel and Al Link

It was moved by Mr. Link, seconded by Mr. Potts, to accept the Superintendent's recommendation of termination of Mr. Portier. A roll call vote was taken and passed as evidenced by the following vote:

YEAS (6): Rose Dominguez, Ann Smith, Danny Ridgel, Robert Potts, Al Link and Leonard Genco

NAYS (2): Sonya Traylor and Eric Dangerfield

President Ridgel instructed Superintendent Kolwe to notify Mr. Portier in writing of this decision by the Board.

It was moved by Mr. Potts, seconded by Ms. Dominguez, to adjourn the meeting. Hearing no objection, the meeting was adjourned. (1:45 p.m.)

Respectfully submitted,

Danny Ridgel  
Board President

Mark Kolwe, Secretary-Treasurer

Recorded by: Cynthia Jenkins, October 8, 2009